

# EXHIBIT O

**25 § 3149.2****ELECTION CODE**

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Part 3. Declaration of Elector. (Voter complete this declaration after marking your ballot, put your marked ballot in the small envelope, seal the small envelope, put the small envelope and this paper in the large envelope, seal the large envelope and mail it.)

I declare that I am the applicant whose signature appears in Part 1 hereof; that I, and I alone, have secretly marked the official absentee ballot issued to me; and that I have not and will not cast any other ballot in the election to which said official absentee ballot pertains.

.....  
(Signature of elector)

.....  
(Date of signature)

.....  
Witness to elector's signature

.....  
(Signature of witness)

1937, June 3, P.L. 1333, art. XIII-B, § 1302-B, added 1960, Jan. 8, P.L. (1959) 2135, § 2.

Library references: Elections 166; C.J.S. Elections § 156 et seq.; P.L.E. Elections §§ 61 et seq., 87.

**§ 3149.3 Manner and time of applying for absentee ballot**

(a) Except as hereinafter provided, any elector desiring an official absentee ballot for the reason that he expects to be unavoidably absent from the county of his voting residence on the day of election because of duties, occupation or business, shall apply therefor in person to the chief clerk of the county board of elections, and he shall then and there complete an original and a duplicate of Part 1 of the form prescribed by section 1302-B<sup>1</sup> and deliver both copies of the form to the chief clerk. Any application for an official absentee ballot assigning such reason and not delivered to the chief clerk as aforesaid shall be void.

(b) Any elector desiring an official absentee ballot for the reason that he expects to be unable to attend his proper polling place on the day of election because of illness or physical disability, shall signify that desire to the chief clerk of the county board of elections, in writing, signed by the elector and delivered to the chief clerk by any means. Upon receipt of such writing, the chief clerk shall mail to the elector at the address stated in such writing two copies of the form prescribed by section 1302-B. The elector shall complete an original and a duplicate of Part 1 of such form and deliver both copies of the form to the chief clerk by any means.

(c) Any elector desiring an official absentee ballot for the reason that he expects to be unavoidably absent from the county of his voting residence on the day of election because of duties, occupation or business, and who is or expects to be so unavoidably absent during the thirty days preceding the day of the election in which the ballot is cast, shall signify

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that desire to the chief clerk of the county board of elections, in writing, signed by the elector and delivered to the chief clerk by any means. Upon receipt of such writing, the chief clerk shall mail to the elector at the address stated in the writing two copies of the form prescribed by section 1302-B. The elector shall complete an original and duplicate of Part 1 of such form and deliver both copies to the chief clerk by any means.

(d) Every application for an official absentee ballot, comprising the original and duplicate completed Part 1 on the form aforesaid, shall be delivered to the chief clerk no earlier than the thirtieth day and no later than the seventh day preceding the day of the election in which the ballot is to be cast. All applications received at other times shall be void. 1937, June 3, P.L. 1333, art. XIII-B, § 1303-B, added 1960, Jan. 8, P.L. (1959) 2135, § 2.

<sup>1</sup> Section 3149.2 of this title.

Library references: Elections 216.1; C.J.S. Elections § 210; P.L.E. Elections §§ 61 et seq., 87.

**§ 3149.4 Issuance of official absentee ballots, envelopes and certificates**

Upon delivery to him of an application for an official absentee ballot as prescribed by section 1303-B,<sup>1</sup> the chief clerk of the county board of elections shall compare the signature and voting residence of the applicant upon such application with the signature and voting residence of applicant in the permanent registration records of the board of registration commissioners, and if he is satisfied that applicant is entitled to vote as stated in the application and has no reason to believe to the contrary, he shall enter, in ink, on the appropriate district register in the place provided to signify the applicant's having voted at the election, the letter "A," and he shall sign Part 2 on both the original and duplicate of the application and he shall hand or mail to the applicant the following:

(a) One official absentee ballot which shall be in the same form as regular and official ballots, except that it shall be printed upon blue paper, and shall have printed on the back thereof, in addition to any other matter now required by law, the words "Official Absentee Ballot."

(b) A gummed envelope approximating the size known commercially as number six and three-quarters, with the words "Official Absentee Ballot" printed upon it and nothing else. Such envelope is hereafter referred to as the first envelope.

(c) The original of the form prescribed by section 1302-B, Parts 1 and 2<sup>2</sup> of which shall have been completed as aforesaid.

(d) A gummed envelope approximating the size known commercially as number ten, on which there shall be printed as addressee the name

and post office address of the county board of elections and in the upper left corner the words "Absentee Elector." Such envelope is hereafter referred to as the second envelope. 1937, June 3, P.L. 1333, art. XIII-B, § 1304-B, added 1960, Jan. 8, P.L. (1959) 2135, § 2.

<sup>1</sup> Section 3149.3 of this title.

<sup>2</sup> Section 3149.2 of this title.

Library references: Elections  $\ominus$  163; C.J.S. Elections § 155; P.L.E. Elections §§ 61 et seq., 87.

### § 3149.5 Ballots and mailing

The elector to whom an official absentee ballot shall have been issued may cast the ballot in the following manner, and not otherwise:

- (a) He shall, in secret, mark the ballot with pencil, crayon, indelible pencil or ink.
- (b) He shall place the marked ballot in the first envelope described in subsection (b) of section 1304-B<sup>1</sup> and seal the envelope.
- (c) He shall complete Part 3 of the form described in subsection (c) of section 1304-B and have his signature witnessed by a subscribing witness as that part requires.
- (d) He shall place both the form and the sealed first envelope containing the marked ballot in the second envelope described in subsection (d) of section 1304-B.
- (e) He shall seal the second envelope, affix the necessary postage thereto, except in cases where postage is not required, and mail it in sufficient time that the day of the postmark thereon shall not be later than the day of the election in which the ballot is to be cast. 1937, June 3, P.L. 1333, art. XIII-B, § 1305-B, added 1960, Jan. 8, P.L. (1959) 2135, § 2.

<sup>1</sup> Section 3149.4 of this title.

Library references: Elections  $\ominus$  216.1; C.J.S. Elections § 210; P.L.E. Elections §§ 66 et seq., 87.

### § 3149.6 Absentee voter's lists

Not less than five days preceding the election, the chief clerk shall prepare, from the duplicates of completed Parts 1 and 2 of the forms retained by him, a list for each election district showing the names and post office addresses of all voting residents thereof to whom official absentee ballots shall have been issued. Each such list shall be prepared in duplicate, shall be headed "Persons in (give identity of election district) to whom absentee ballots have issued for the election of (date of election)," and shall be signed by him not less than four days preceding the election. He shall post the original of each such list in a conspicuous place in the office of the county election board and see that it is kept so posted until the close of the polls on election day. He shall cause the duplicate of each such list to be delivered to the judge of election in the

election district in the same manner and at the same time as are provided in this act for the delivery of other election supplies, and it shall be the duty of such judge of election to post such duplicate list in a conspicuous place within the polling place of his district and see that it is kept so posted throughout the time that the polls are open. 1937, June 3, P.L. 1333, Art. XIII-B, § 1306-B, added 1960, Jan. 8, P.L. (1959) 2135, § 2.

Library references: Elections  $\ominus$  54, 216.1; C.J.S. Elections §§ 54 et seq., 210; P.L.E. Elections §§ 82, 87.

### § 3149.7 Canvassing of ballot

The county board of elections, upon receipt of a sealed second envelope, shall keep it safely and shall deliver it unopened to the return board when it convenes to canvass the vote according to law. No such ballots shall be counted, which are received in the offices of the county board of elections later than ten o'clock A.M., Eastern Standard Time, of the second Friday following the primary election or the November election. The return board shall reject, and mark "Rejected" without opening, any such envelope bearing no postmark or bearing a postmark later than the day of the election. After opening the remaining such envelopes, it shall reject and mark "Rejected" the contents of any such envelope, if, (a) it contains either more or less than the contents prescribed by subsection (d) of section 1305-B,<sup>1</sup> (b) the form referred to in subsection (c) of section 1305-B shall not be complete and regular on its face, or (c) the signature of the applicant in Part 1 of such form does not correspond with the signature of the elector in Part 3 thereof. If the return board shall be satisfied that the contents meet the requirements prescribed therefor, it shall announce the name of the voter of the absentee ballot and shall give any person present an opportunity to challenge the same in like manner and for the same causes as the elector could have been challenged had he presented himself in his own district to cast his ballot. If there are no challenges, or if all challenges are unsuccessful, the form and the first envelope bearing the printed words "Official Absentee Ballot" shall be separated, and such envelope, together with all similar envelopes so separated, shall be put into one depository at one time and said depository well shaken and the envelopes containing the ballots mixed before any ballot is taken therefrom. The return board shall then break the seals of such envelopes, and record the ballots in the same manner as the election officer records votes, and in so canvassing said votes the return board shall count the votes of all absentee electors taken as herein provided and add the same to the total result of the election in the county, district, precinct or ward, accordingly, as designated on each ballot. 1937, June 3, P.L. 1333, Art. XIII-B, § 1307-B, added 1960, Jan. 8, P.L. (1959) 2135, § 2.

<sup>1</sup> Section 3149.5 of this title.

Library references: Elections  $\ominus$  257 et seq.; C.J.S. Elections § 235 et seq.; P.L.E. Elections §§ 87, 101, 102.